

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 698**

**Introduced by Assembly Member Haynes  
(Coauthor: Assembly Member Bermudez)**

February 17, 2005

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An act to add Section 5015 to the Penal Code, relating to media access to prisons.

LEGISLATIVE COUNSEL'S DIGEST

AB 698, as amended, Haynes. Corrections: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require representatives of the news media to be permitted to visit correctional institutions. The bill would authorize a warden to grant a request to interview an inmate, unless the warden makes certain determinations. *The bill would permit a news media representative to receive confidential correspondence from a prisoner, except as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5015 is added to the Penal Code, to
- 2 read:
- 3 5015. (a) The Legislature finds and declares that visits and
- 4 interviews by news media representatives with correctional staff

1 and inmates fosters the public's understanding of the qualities,  
2 problems, and needs of inmates and correctional institutions.  
3 That understanding helps to develop community acceptance and  
4 support of correctional objectives, including the objective of  
5 successful reintegration of offenders into the community.

6 (b) Representatives of the news media shall be permitted to  
7 visit correctional institutions. The warden of a state correctional  
8 facility may grant a request of a news media representative to  
9 interview an inmate, unless one of the following exists:

10 (1) The warden determines that the interview will jeopardize  
11 or be detrimental to any of the following:

12 (A) The safety or order of the institution.

13 (B) The welfare of the inmate.

14 (C) The welfare of the victim, the victim's family, or the  
15 community. In making a determination pursuant to this  
16 subparagraph, the warden shall request input from the victim or  
17 victim's family member at least five days prior to granting the  
18 interview, if the victim or victim's family has previously notified  
19 the warden that they wish to be contacted in the event of an  
20 interview request.

21 (D) Legitimate penological objectives, including limited  
22 resources.

23 (2) The inmate is confined in segregation.

24 (3) The inmate refuses to be interviewed.

25 (c) Representatives of the news media who visit correctional  
26 institutions shall be subject to the same rules and regulations as  
27 all other visitors, however they shall not be counted towards any  
28 limits on visitors that may be imposed upon the inmate, unless  
29 the media representative is also on the inmate's visiting list.

30 (d) A news media representative may photograph an inmate,  
31 with the inmate's written permission. The written permission  
32 shall specify the date of the photo and the proposed use of the  
33 photo.

34 (e) *During any visit, a news media representative may use*  
35 *materials necessary to conduct the interview, including, but not*  
36 *limited to, pens, pencils, papers, cameras, and audio and video*  
37 *recording devices.*

38 (f) *The department shall permit a news media representative*  
39 *to receive confidential correspondence from a prisoner unless to*

1 *do so would pose an immediate and direct threat to the security of*  
2 *the institution or the physical safety of the public.*

3 (g) The warden shall regulate the time, location, length, and  
4 equipment used for all interviews conducted pursuant to this  
5 section.

6 (h) *For the purposes of this section, “news media*  
7 *representative” means a journalist who works for, or is under*  
8 *contract to, a newspaper, magazine, wire service, or radio or*  
9 *television program or who, through press passes issued by a*  
10 *governmental or police agency or through similar convincing*  
11 *means, can demonstrate that he or she is a bona fide journalist*  
12 *engaged in the gathering of information for distribution to the*  
13 *public.*